

FILED

OCT 04 2013


CLERK

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

DEANE BERG,

Plaintiff,

vs.

JOHNSON & JOHNSON CONSUMER
COMPANIES, INC.,

Defendant.

CIV. 09-4179-KES

VERDICT FORM

Please return a verdict by placing an "X" or "√" or filling in the dollar amount in the spaces provided.

QUESTION 1 - DATE	
1.	Please determine the date on which Deane Berg's personal injuries became known to her or should have become known to her: <u>12/26/06</u>
	If the date you determine is on or before December 24, 2006, sign and date the verdict form.
	If the date you determine is on or after December 25, 2006, go to Question 2.

QUESTION 2 - STRICT LIABILITY FOR FAILURE TO WARN	
2.	Strict Liability for Failure to Warn On plaintiff Deane Berg's claim against defendant Johnson & Johnson Consumer Companies, Inc. for strict liability for failure to warn, as explained in Final Instruction No. 6, we find in favor of: _____ Deane Berg <u>X</u> Johnson & Johnson Consumer Companies, Inc.
	Go to Question 3.

QUESTION 3 - NEGLIGENCE**3.****Liability for Negligence**

On plaintiff Deane Berg's claim against defendant Johnson & Johnson Consumer Companies, Inc. for negligence, as explained in Final Instruction No. 8, we find in favor of:

X Deane Berg

_____ Johnson & Johnson Consumer Companies, Inc.

If you found in favor of Deane Berg on the issue of liability under Question 2 - Strict Liability for Failure to Warn or Question 3 - Negligence, go to Question 4.

If you found in favor of Johnson & Johnson Consumer Companies, Inc. on the issue of liability on both claims, sign and date the verdict form.

QUESTION 4 - DAMAGES**4(a)**

If you found in favor of Deane Berg on the issue of liability on either her strict liability claim or her negligence claim, then determine the total amount of damages, if any, for the reasonable value of necessary medical care, treatment, and services received by Deane Berg in the past, as explained in Final Instruction No. 11. State the amount, or, if none, write the word "none."

Go to Question 4(b).

\$ none
amount for
past medical
expenses

4(b)

Determine the total amount of damages, if any, for all other damages to which Deane Berg is entitled, as explained in Final Instruction Nos. 11, 12, 13, and 14. State the amount, or, if none, write the word "none."

\$ none
amount for
all other
damages

Go to Question 5.

QUESTION 5 - PREJUDGMENT INTEREST					
5.	<p>Do you find that Deane Berg is entitled to prejudgment interest for her past medical expenses?</p> <p>_____ Yes</p> <p><u>X</u> No</p>				
If you answered No, go to Question 6.					
	<table border="1"><tr><td>If you answered Yes, determine the date from which Berg is entitled to prejudgment interest.</td><td>_____</td></tr><tr><td></td><td>beginning date for prejudgment interest</td></tr></table>	If you answered Yes, determine the date from which Berg is entitled to prejudgment interest.	_____		beginning date for prejudgment interest
If you answered Yes, determine the date from which Berg is entitled to prejudgment interest.	_____				
	beginning date for prejudgment interest				
Go to Question 6.					

QUESTION 6 - PUNITIVE DAMAGES	
6.	<p>Determine the amount of punitive damages, if any, as explained in Final Instruction No. 16. State the amount, or, if none, write the word "none."</p> <p>\$ <u>none</u></p>
Please sign and date the verdict form.	

Dated this 4 day of October, 2013.

Christina Rueschhoff
Foreperson